



STATE OF DELAWARE

PUBLIC SERVICE COMMISSION

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April 21, 2015

MEMORANDUM TO FILE

TO: File

CC: Pamela Knotts, Regulatory Policy Administrator

FROM: Toni Loper, Public Utility Analyst 

SUBJECT: In The Matter Of The Application Of Brightergy, LLC For A Certificate To Provide Electric Supply Services Within The State Of Delaware (Filed October 27, 2014) - PSC Docket No. 14-0505

On October 27, 2014, Brightergy, LLC ("Brightergy" or the "Company") filed an application (the "Application") with the Delaware Public Service Commission ("Commission") for an Electric Supplier Certificate ("ESC") to act as a Broker in the State of Delaware pursuant to §1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §1001 - §1020 (the "Act") and 26 *Del. Admin. C.* §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").¹

On November 17, 2014 Staff provided Brightergy with a list of deficiencies and the Company was given time to provide the information necessary to complete its Application in accordance with Section 2.4 of the Supplier Rules. Staff sent several additional e-mails to the Company requesting an update regarding the disposition of Staff's request. The Company submitted a subsequent filing on January 27, 2015 which addressed several of the outstanding deficiencies Staff noted, however, the information submitted in response to Staff's request for "professional resumes" was insufficient, and in fact was the same document supplied in the original Application. Staff sent an additional request for information to address this issue on February 10, 2015. On February 26, 2015, Staff communicated with the contact person listed on Company's Application via email and telephone conversations to clarify the information that Staff was requesting regarding "professional resumes" and Staff was informed that Brightergy intended to complete its application. On March 9, 2015 Staff had not received the information necessary to rectify the deficiencies and sent a follow-up email to Ms. Yarber and Ms. Vanderwell advising them that the application would be abandoned if the information to address the deficiencies was not received by March 27, 2015.² Staff sent additional e-mail correspondence to Ms.

¹ Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.

² Under 26 *Del. Admin. C.* §3001-2.4 Incomplete or Abandoned Applications, Applications that do not include the necessary fees, supporting documentation or information may be rejected. The Commission Staff will provide the Applicant with a list of deficiencies and the Applicant will be given time to provide the necessary information to

Yarber and Ms. Vanderwell further clarifying what information Staff required to address the deficiencies. The Company provided several responses but was notified by Staff that all documents submitted by the Company were insufficient. On April 2, 2015, a letter was sent to Brightergy, via e-mail, notifying the Company that its Application would be closed if the information needed to complete the Application was not received prior to April 13, 2015. Staff has confirmed that the e-mail was received and as of April, 21, 2015, Staff has not received the additional information needed to address the deficiencies in the Application.

Based on Staff's review of the Company's Application as filed on October 27, 2014, Brightergy, LLC has not satisfied the requirements under the Act and the Supplier Rules to receive an ESC in the State of Delaware. **The above referenced docket is now closed and the Application of Brightergy, LLC for an ESC is considered as abandoned.** Should the Company decide in the future to pursue an ESC, a new filing would be required.